

JANNES et al  
Serial No. 09/787,000  
January 8, 2004

**REMARKS**

Reconsideration is requested.

Claims 1-12 have been canceled, without prejudice.

Claims 13-49 are pending.

Claims 13, 17 and 36 have been amended in a manner discussed with Examiners Housel and Foley on January 7, 2004. Specifically, the primers for the 16S rRNA and spacer regions of *C. pneumoniae* and *M. pneumoniae* have been specifically indicated in the claims. The Examiners are believed to have understood that Tables 2 and 4 of the specification describe these previously elected primers and that the original election or at least the comments in the Amendment of October 23, 2003 provide a complete response to the previous election requirement. The Amendment filed October 23, 2003 is submitted to have been completely responsive. The Examiners are requested to advise the undersigned in the event anything further is required at this time.

The present Amendment is not believed to make moot the RENEWED PETITION UNDER RULE 181 filed October 23, 2003. Consideration of the RENEWED PETITION UNDER RULE 181 and REMARKS of the Amendment filed October 23, 2003, and a Decision on the PETITION prior to a further Action on the merits of the claimed invention is requested.

Grant of the RENEWED PETITION UNDER RULE 181 and a Notice of Allowance are requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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By: \_\_\_\_\_



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